

the State of California into the State of Washington, of quantities of tomato puree and tomato paste which were adulterated.

The tomato puree was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance, and in that it consisted in part of a filthy vegetable and animal substance. Adulteration of the tomato paste was alleged for the reason that substances, namely, pieces of bark material, a splinter of wood, a metal staple, two particles of metal, a strip of soldering, pieces of paper, and an insect wing, had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the article. Adulteration of the tomato paste was alleged for the further reason that it contained added deleterious ingredients in amounts which might have rendered it injurious to health.

On December 17, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$400.

M. L. WILSON, *Acting Secretary of Agriculture.*

24134. Adulteration of canned shrimp. U. S. v. 25 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 34113. Sample no. 4744-B.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On or about October 19, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 11, 1934, by the St. Marys Canning Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Taylor Brand Shrimp * * * Packed by St. Marys Canning Co. St. Marys, Georgia."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 18, 1934, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24135. Adulteration of apples. U. S. v. 80 Bushels of Apples. Default decree of destruction. (F. & D. no. 34137. Sample no. 18356-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 29, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 bushels of apples at Milford, Mo., alleging that the article had been transported in interstate commerce on or about September 24, 1934, by True L. Medlin, Hiwassee, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 17, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24136. Adulteration of tomato puree. U. S. v. 413 Cases, et al., of Tomato Puree. Default decrees of destruction. (F. & D. nos. 34162 to 34167, incl., 34174 to 34178, incl., 34200, 34235, 34291, 34292, 34336 to 34339, incl. Sample nos. 3277-B to 3281-B, incl., 3287-B to 3294-B, incl., 19608-B, 19609-B, 19610-B, 19612-B to 19615-B, incl.)

These cases involved various shipments of tomato puree that was found to contain excessive mold.

On or about October 25, October 27, October 31, and November 3, 1934, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,501 cases of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce between the dates of August 20 and October 12, 1934, by the Marysville Packing Co., from Marysville, Ind., and charging adulteration in violation of the Food

and Drugs Act. On November 12, 1934, the United States attorney for the Eastern District of Kentucky filed a libel against 625 cases of tomato puree at Lexington, Ky., consigned between the dates of September 15 and September 17, 1934, by the Marysville Packing Co., from Marysville, Ind., alleging that the article had been shipped in interstate commerce and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B & O Brand Tomato Puree * * * Packed by Marysville Packing Co. Marysville, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 21, March 13, and March 15, 1935, no claimant having appeared, judgments were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24137. Adulteration of canned shrimp. U. S. v. 10 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 34179. Sample no. 17173-B.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On October 25, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of canned shrimp at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about August 31, 1934, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Florida Chief Brand Nassau Shrimp * * * Packed by the Nassau Packing Co. S. S. Goffin, Jacksonville, Fla."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 28, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24138. Misbranding of salad oil. U. S. v. 37 Cases of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 34183. Sample nos. 14202-B, 14204-B.)

This case involved an interstate shipment of salad oil consisting of domestic cottonseed oil which was labeled to convey the impression that it was olive oil of foreign origin. Sample cans taken from the shipment were found to be short volume.

On or about October 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of salad oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 20, 1934, by Ossola Bros., of New York, N. Y., from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olio Vegetale Purissimo Marca Garibaldi * * * Carmelo Aulino Packing Co., Akron, Ohio Net Contents 1 Gallon."

The article was alleged to be misbranded in that the designation, "Olio * * * Purissimo", the Italian name, "Garibaldi", together with a design of olive branches, picture of man in foreign garb, design of shield and crown, and use of the Italian National colors and cross, appearing on the can label were misleading and tended to deceive and mislead the purchaser since they created the impression that the product was imported olive oil; whereas it was domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that the statement on the label, "Net contents 1 Gallon", was false and misleading and tended to deceive and mislead the purchaser since the cans contained less than 1 gallon; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously stated on the label since the statement made was incorrect.

On December 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*